

States' Human Rights Obligations in the Context of Climate Change

Synthesis Note on the Concluding Observations and Recommendations on Climate Change Adopted by UN Human Rights Treaty Bodies



As governments and intergovernmental organisations have recognised, climate change has adverse impacts on a wide range of human rights. Existing human rights obligations defined under legally binding treaties must consequently inform climate action. These obligations can guarantee that climate policies and measures effectively protect the rights of those most affected by climate impacts. They can also ensure that the design of these policies and measures builds on the principles of non-discrimination and meaningful public participation.

In this context, the human rights treaty bodies — established to monitor the implementation of the United Nations (UN) human rights treaties — have a critical role to play in further elaborating the obligations of States to respect, protect, and fulfil human rights in the context of climate change. During the past decade, these human rights treaty bodies have already provided many valuable recommendations to States addressing the relevance of international human rights obligations to a wide range of climate policies.

This Synthesis Note introduces the role of these UN bodies and provides a detailed record of all of their climate-related recommendations that can help interpret the existing human rights legal obligations of States in the context of climate change.

This Note contains three sections. The first section provides an overview of the human rights treaty bodies and their engagement with climate change, focusing on their “State reporting procedure.” It includes statistics on references to climate change by the treaty bodies in their State reporting procedures. The second section is a compilation of recommendations by the treaty bodies, organised by common or important themes. The final section provides a more detailed analysis of the work of each of the three treaty bodies most active on climate change: the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), and the Committee on the Rights of the Child (CRC).

Introduction: Human Rights Obligations in the Context of Climate Change

Climate change is one of the most serious global threats to the enjoyment of human rights for current and future generations. In his 2016 report, the UN Special Rapporteur on human rights and the environment stated that “climate change threatens the full enjoyment of a wide range of rights, including the rights to life, health, water, food, housing, development and self-determination.” For example, in relation to the right to health and the right to life, the World Health Organisation projects that increases in average seasonal temperatures and the frequency and intensity of heat waves will contribute to nearly 38,000 additional deaths per year by

2030 and nearly 100,000 additional deaths per year by 2050. The WHO also estimates approximately 95,000 additional deaths per year of children aged five years or less caused by under-nutrition related to climate change by 2030. Climate change is also expected to put increasing pressure on natural resources and exacerbate and ignite violent conflicts and migration flows. The magnitude of these impacts will increase as temperatures continue to rise.

The current and predicted impacts of the effects of climate change on human rights have been recognized by UN agencies and UN human rights experts, as well as by States through resolutions of the Human Rights Council and in the Universal Periodic Review mechanism. These bodies have emphasised impacts on economic, social, and cultural rights, but impacts on civil and political rights are also acknowledged — in particular, the right to life.

The disproportionate impacts on women, children, and indigenous peoples have also been recognized.

The impacts of climate change mitigation and adaptation efforts on human rights have also been well documented, and there is growing recognition that human rights must be taken into account when planning and implementing climate change mitigation and adaptation activities.

Given the profound implications for human rights, it is not surprising that the UN human rights treaty bodies (HRTBs), which are responsible for monitoring States’ implementation of their obligations under human rights treaties, are also increasingly addressing climate change in their work and providing valuable guidance to States about their obligations under the human rights treaties in the context of climate change.

This Synthesis Note summarises the work of the HRTBs on climate change up to December 2017. It draws out themes and trends, highlighting gaps and opportunities for advancing the work on human rights and climate change within the treaty bodies.

Overview of the Human Rights Treaty Bodies: Role and Functions

The HRTBs are the expert mechanisms established under the international human rights treaties responsible for monitoring implementation of the binding legal obligations contained in those treaties.

For example:



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Name of the treaty body	Human rights treaty monitored	Relevant rights and principles
Committee on the Elimination of Discrimination Against Women (CEDAW)	International Convention on the Elimination of All Forms of Discrimination Against Women	<ul style="list-style-type: none"> • Obligation to prohibit and eliminate discrimination against women (article 2) and to ensure the full development and advancement of women (article 3) • Right to participation (article 7) • Rights of rural women (article 14)
Committee on Economic, Social and Cultural Rights (CESCR)	International Covenant on Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Obligation to take steps towards full realization of ESC rights (article 2) • Peoples' right of self-determination and to own means of subsistence (article 1) • Rights to an adequate standard of living, including food, water, and housing (article 11), to health (article 12), and to science and culture (article 15)
Committee on the Rights of the Child (CRC)	International Convention on the Rights of the Child	<ul style="list-style-type: none"> • Obligation to respect and ensure the rights of children and to eliminate discrimination against children (article 2) and principle of best interests of the child (article 3) • Rights to life (article 6), freedom of expression (article 13), health (article 24), an adequate standard of living, including food, water, sanitation, and housing (article 27), and education (article 28)
Human Rights Committee (CCPR)	International Covenant on Civil and Political Rights	<ul style="list-style-type: none"> • Peoples' right of self-determination (article 1) • Rights to life (article 6), to expression (article 19), to take part in public affairs (article 25), and to culture (article 27)
Committee on the Elimination of Racial Discrimination (CERD)	International Convention on the Elimination of All Forms of Racial Discrimination	<ul style="list-style-type: none"> • Prohibition of racial discrimination (article 2) and obligation to eliminate racial discrimination in relation to all human rights (article 5)
Committee on the Rights of Persons with Disabilities (CRPD)	International Convention on the Rights of Persons with Disabilities	<ul style="list-style-type: none"> • Prohibition of discrimination against persons with disabilities (article 4), obligation to consult • Rights to life (article 10), education (article 24), health (article 25), and adequate standard of living (article 29) • Obligation to protect persons with disabilities in situations of risk and natural disasters (article 11)



There are currently 10 HRTBs, each comprised of approximately 18 to 23 independent experts appointed by States. The HRTBs have three main functions:

- **Thematic discussions and elaboration of General Comments** – A General Comment is an authoritative (although not usually considered binding) interpretation of the treaty, published by the Committee. The process for the elaboration of a General Comment usually involves public thematic discussions and the opportunity to make written submissions. General comments can be on specific rights, specific provisions of the treaty, or a related thematic topic (e.g., business and human rights).
- **Individual communications procedure** – This is a quasi-judicial function through which individuals can submit complaints to the Committee about alleged violations of the treaty by a State. The Committee assesses the complaint and issues its binding “Views.”
- **State reporting procedure** – This involves a process where States report to the Committee every four to five years on the implementation of the treaty in their country. Then, the Committee assesses the report and information provided by other sources, including civil society, and holds a “Dialogue” with the State to discuss implementation. After the Dialogue, the Committee issues its “Concluding Observations,” which provides its assessment of the State’s performance.

A number of these treaty bodies have begun to consider the issue of climate change and how it relates to the relevant human rights obligations provided for in the treaties.

Climate change has been addressed in General Comments, thematic discussions, and State reporting procedures. We are not aware of any treaty body giving a decision on an individual communication on climate change to date. We believe some cases might be pending, but nothing can be confirmed until such cases are made public.

The most substantial work on climate change to date has emanated from the Women’s Rights Committee (CEDAW), the Children’s Rights Committee (CRC), and the Committee on Economic, Social and Cultural Rights (CESCR). Both the CEDAW and CRC have initiated thematic discussions on climate change. The CEDAW is expected to adopt a new General Comment (called a general recommendation) on disaster risk reduction in the context of climate change in early 2018. In 2016 the CRC held a Day

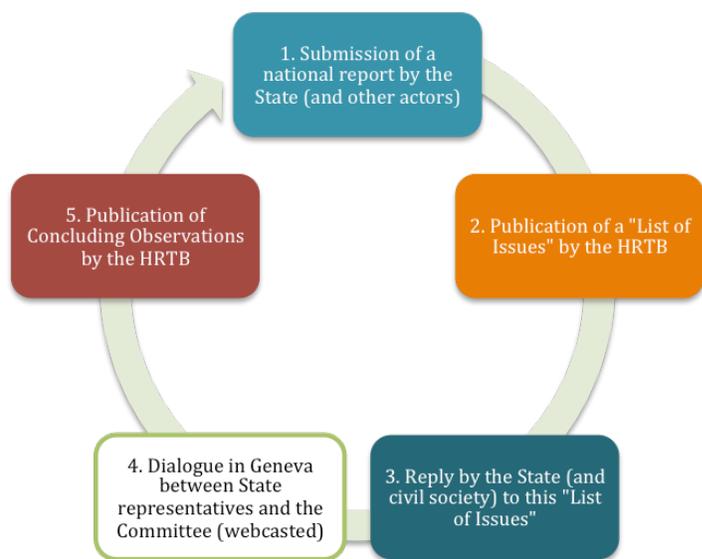


Figure 1: Key stages of the State reporting procedure under the HRTBs

of General Discussion on children’s rights and the environment, which included significant discussion on climate change. It is considering preparing a General Comment on that topic. Those two Committees and the CESCR have all considered climate change in their State reporting processes and appear committed to continuing to raise climate change

in their Dialogues with States Parties.

This has led to a growing body of soft law pronouncements of the HRTBs on States’ obligations under human rights treaties in relation to climate change.

This Synthesis Note focuses on the HRTBs’ work on climate change in their State reporting procedure.

Overview of Engagement of HRTBs with Climate Change in State Reporting Procedure

While climate change is not explicitly mentioned in any of the key UN human rights legal instruments, the HRTBs have increasingly noted concerns regarding the protection of internationally recognized human rights and provided recommendations to States through the State reporting procedure.

States have also increasingly used this procedure to report on national policies and actions designed to secure and promote human rights in the context of climate change and to highlight how climate-induced impacts raise new challenges for the protection of rights.

As mentioned above, three HRTBs have been most active in addressing the interplay between these impacts and human rights obligations: the CEDAW, the CESCR, and the CRC.

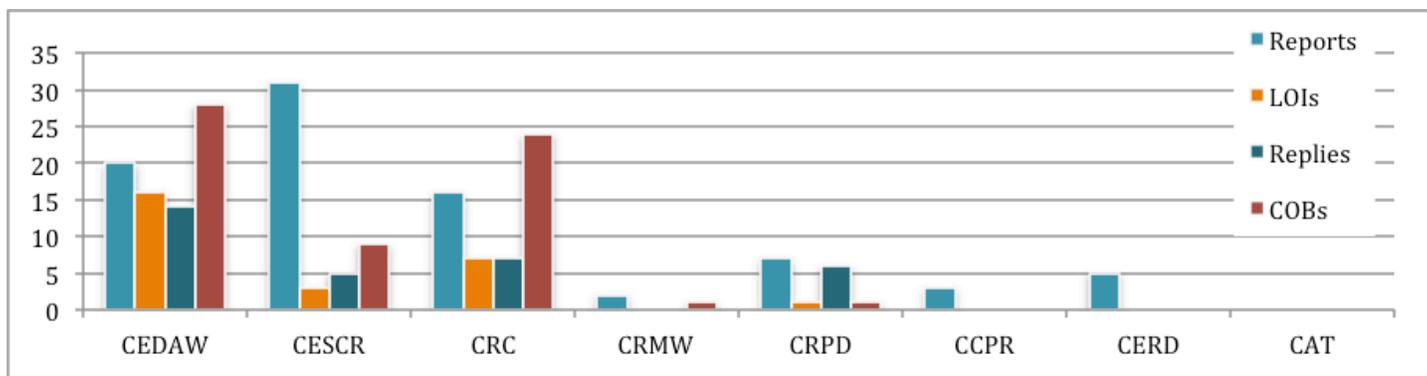


Figure 2: References to climate change at different stages of the State reporting procedure of the HRTBs. Reports and Replies refer to documents submitted to the HRTBs by States on the implementation of their own obligations. Lists of Issues (LOIs) and Concluding Observations (COBs) are official documents adopted by the HRTBs when reviewing individual States. (CRMW: Committee on the Rights of Migrant Workers, CAT: Committee Against Torture)

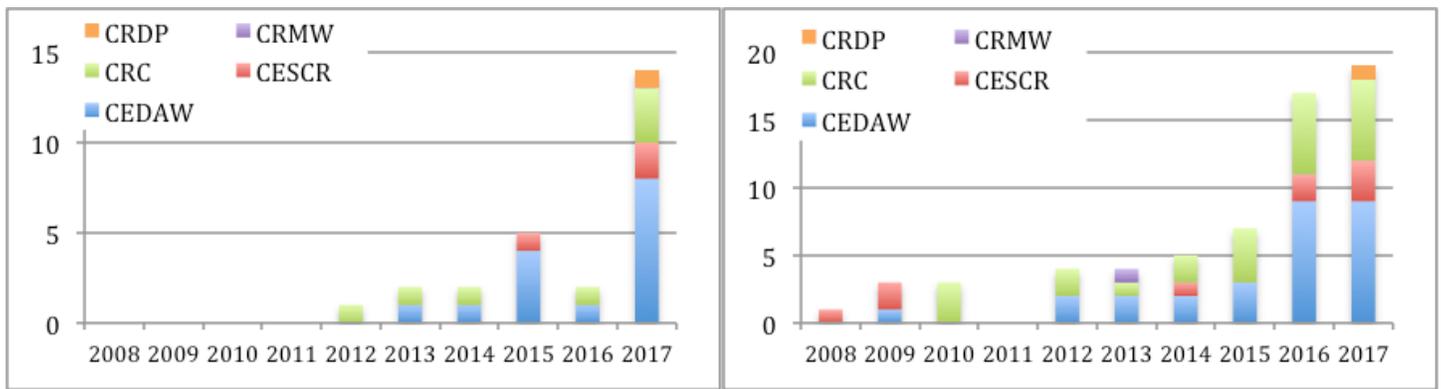


Figure 3: Chronological breakdown of Lists of Issues (left) and Concluding Observations (right) explicitly mentioning climate change

While some of the HRTBs began to address climate-related issues in Concluding Observations ten years ago, these considerations have substantially increased over the past three years. This demonstrates a growing recognition that the effective protection of human rights

requires States to take specific measures aimed at addressing climate change and its consequences.

The majority of these Concluding Observations mention climate change as a threat to the rights protected under the relevant UN

treaty. Most also address the need to guarantee the effective participation of groups that are particularly affected by climate impacts and the importance of protecting the rights of these groups in climate policy. In addition, some of the HRTBs have explicitly referred to climate-related

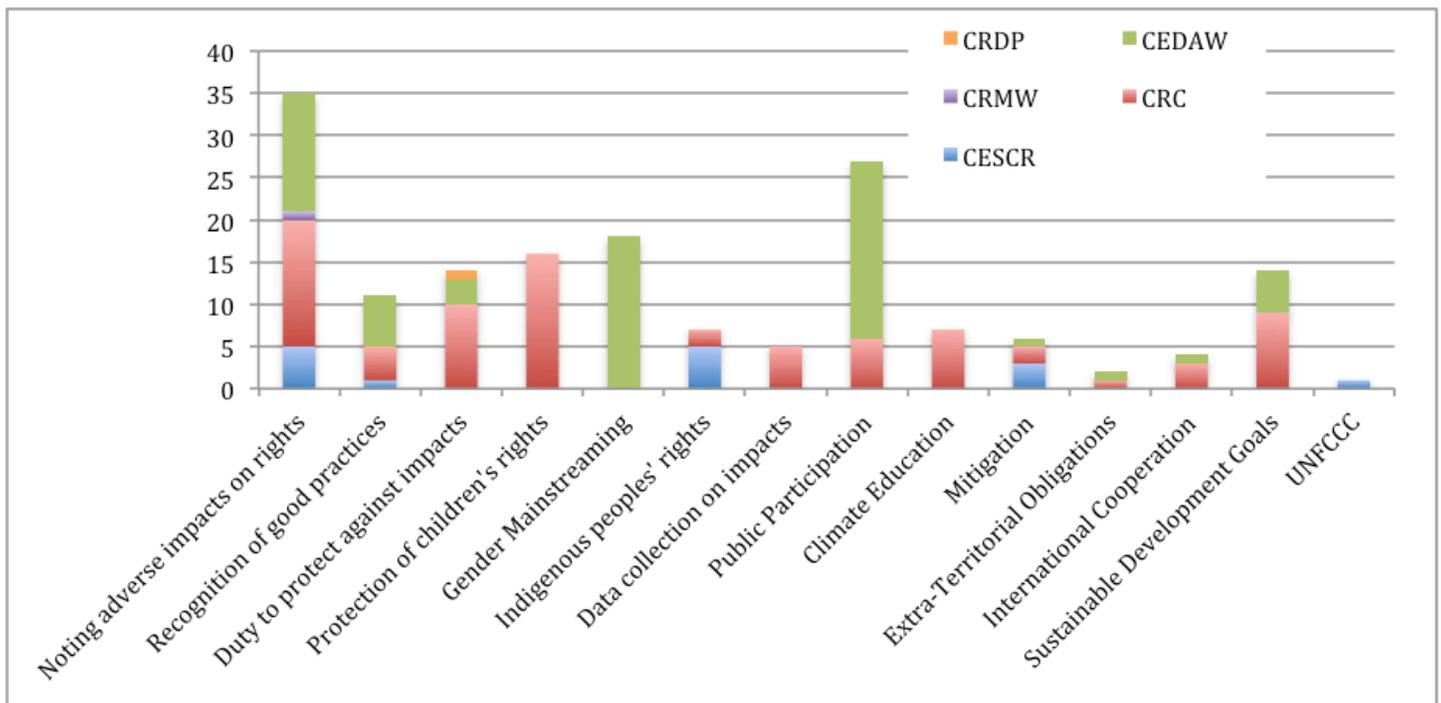


Figure 4: Climate-related issues addressed in the Concluding Observations adopted by HRTBs

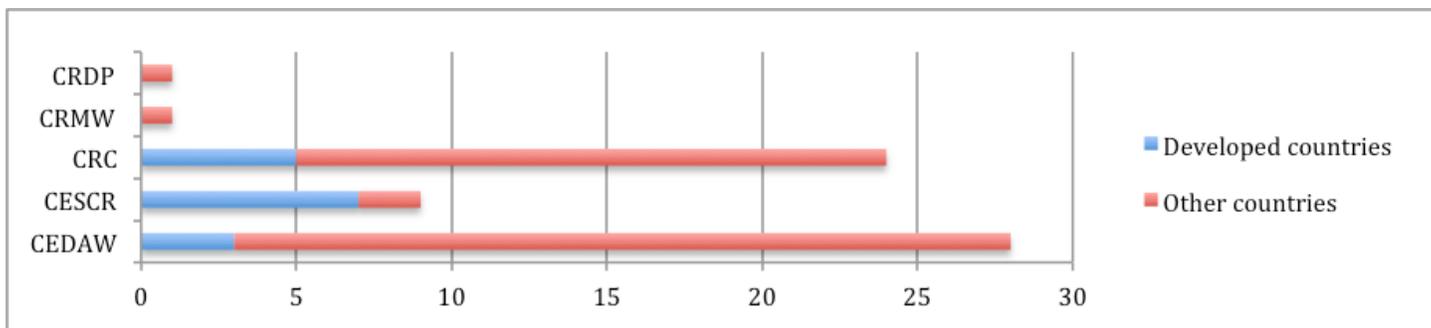


Figure 5: Breakdown by type of countries addressed by Concluding Observations referring to climate change

Please note that the data provided in this Synthesis Note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the HRTBs, such as in relation to extractive industries or disaster risk reduction, may also be relevant. However, explicit references contribute unequivocally to the clarification of human rights obligations applicable in the context of climate change and are therefore the focus of this Synthesis Note.

international commitments, either under the UNFCCC or the Agenda 2030. The CEDAW, the CESC, and the CRC have also adopted several Concluding Observations stressing that human rights obligations require States to address their contribution to climate change, including in relation to their domestic emissions or to their exports of fossil fuels.

Because climate change has been primarily addressed by the HRTBs from the perspective of the need to protect vulnerable communities at the frontline of climate impacts, most references to climate change in Concluding Observations have addressed the obligations of developing countries. However, due to its greater emphasis on the importance of reducing greenhouse gas emissions, the CESC is the only HRTB that has considered climate-related obligations primarily in relation to the most industrialized countries.



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Compilation of Concluding Observations Adopted by HRTBs on Climate Change

This section provides a compilation of Concluding Observations adopted by the HRTBs on climate change, organised by theme. We provide below examples of Concluding Observations addressing common or important themes and list other examples of relevant Concluding Observations in the endnotes.

Disproportionate impacts on groups in vulnerable situations

“[The Committee] is concerned that the impact of climate change, the rise in the sea level and other climate-related disasters affect rural women disproportionately, given that they rely heavily on access to natural resources for their daily survival.”

– CEDAW Concluding Observations on Vanuatu (2016)

“While noting as positive that the State party has introduced a National Climate Change Policy and Adaptation Plan, the Committee is concerned at the adverse impact of climate change and natural disasters on the rights of the child, including the rights to education, health, adequate housing, safe and drinkable water and sanitation, inter alia.”

– CRC Concluding Observations on Saint Lucia (2014)

Integrating the rights of specific groups into climate action

“The Committee recommends that the State party develop strategies to reduce the vulnerabilities of and risks for children and families which may be occasioned or exacerbated by climate change, including by mainstreaming child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management, and by strengthening its social safety nets and social protection framework so as to mitigate the multiple social, economic and environmental impacts of climate change more effectively.”

– CRC Concluding Observations on Jamaica (2015)

“The Committee recommends that the State party, including the devolved administrations in relation to devolved matters: (...) (b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, and in the framework of its international climate change programmes and financial support.”

– CRC Concluding Observations on the United Kingdom (2016)

“The Committee recommends that the State party: (...) (b) Ensure that the development and implementation of policies and programmes on disaster preparedness, response to natural disasters and the impacts

of climate change, as well as other emergencies, are based on a comprehensive gender analysis, and mainstream the concerns of women, particularly those of rural women, in all policies and programmes.”

– CEDAW Concluding Observations on Jamaica (2012)¹

“[The Committee] also recommends that the State party mainstream disability in its climate change policies and programmes.”

– CRDP Concluding Observations on Honduras (2017)²

“In the light of its previous recommendation and currently available information, the Committee urges the State party to: (d) adopt the appropriate measures to address the adverse effect of climate change on the Saami people’s land and resources.”

– CESCR Concluding Observations on Finland (2014)

Protecting the rights of persons displaced by climate change

“The Committee reiterates its previous recommendation that the State party:

(a) Develop disaster management and mitigation plans in response to potential displacement and/or lessness arising from environmental and climate change and ensure that women, including those living on the outer islands, are included and may actively participate in planning and decision-making processes concerning their adoption.”

– CEDAW Concluding Observations on Tuvalu (2015)³

Participation of particularly affected groups in climate-related decision making

“The affected populations, mainly women and children, were not informed or given opportunities to participate in discussions on the impacts of climate change and policy-making related to them.”

– CRC Concluding Observations on Tuvalu (2013)⁴

Guaranteeing climate education, empowerment, and employment

“The Committee recommends that the State party: (...) (b) Explore investment and employment opportunities for women through investments in renewable energy while combating the adverse effects of climate change in the context of its efforts to implement Sustainable Development Goals 5, 7 and 13.”

– CEDAW Concluding Observations on Nigeria (2017)

“The Committee draws attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change related planning and management. In particular, it recommends that the State party:

(a) Implement the National Reviewed Curriculum in the next school year and include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based pro-

grammes such as early warning systems.”

– CRC Concluding Observations on Vanuatu (2017)⁵

Request for additional information in future reporting

“The Committee recommends that the State party provide, in its next periodic report, information on: (a) The participation of women in the development and implementation of the plan; (b) Best practices in adaptation and mitigation measures identified from a gender perspective.”

– CEDAW Concluding Observations on Oman (2017)

Reduction of greenhouse gas emissions and preservation of carbon sinks

“The Committee draws attention to Sustainable Development Goal 13, target 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management. In particular, it recommends that the State party: (...) b) discontinue deforestation to reduce the impact of the climate change consequences.”

– CRC Concluding Observations on Haiti (2016)

“The Committee is concerned at the high level of air pollution, which directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child,

both in the State party and in other countries...”

– CRC Concluding Observations on the United Kingdom (2016)

“It also recommends that the State party increase its efforts to reduce greenhouse gas emissions and set national targets with time-bound benchmarks.”

– CESCR Concluding Observations on the Russian Federation (2017)⁶

Renewable energy

“The Committee recommends that the State party address the impact of climate change on indigenous peoples more effectively while fully engaging indigenous peoples in related policy and programme design and implementation. The Committee also recommends that the State party ensure that the use of non-conventional fossil energies is preceded by consultation with affected communities and impact assessment processes. It also recommends that the State party pursue alternative and renewable energy production.”

– CESCR Concluding Observations on Canada (2016)⁷

Reduction of emissions resulting from fossil fuel extraction

“The Committee recommends that the State party revise its climate change and energy policies, as indicated during the dialogue. It recommends that the State party take immediate measures aimed

at reversing the current trend of increasing absolute emissions of greenhouse gases, and pursue alternative and renewable energy production. The Committee also encourages the State party to review its position in support of coal mines and coal exports.”

– CESCR Concluding Observations on Australia (2017)

“The Committee commends the State Party for its International Co-operation Programmes, however, it is concerned that continuing and expanding extraction of oil and gas in the Arctic by the State party and its inevitable greenhouse gas emissions undermines its obligations to ensure women’s substantive equality with men, as climate change disproportionately impacts women, especially in situations of poverty, since they are more reliant on natural resources for their livelihoods than men and have lesser capacity to deal with natural hazards.”

– CEDAW Concluding Observations on Norway (2017)

“The Committee recommends that the State party review its climate change and energy policies, and specifically its policy on extraction of oil and gas, to ensure it takes into account the disproportionate negative impacts of climate change on women’s rights.”

– CEDAW Concluding Observations on Norway (2017)

Relationship between human rights, climate change, and Agenda 2030

“The Committee recalls the importance of the [SDG] goal 5.1.1



Mountain Partnership at FAO via Flickr

and commends the positive efforts of the State party to implement sustainable development policies, including measures to address climate change.”

– CEDAW Concluding Observations on Oman (2017)

“The Committee draws the attention of the State party to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.”

– CRC Concluding Observations on Samoa (2016)⁸

Relevance of the UNFCCC agreements to interpreting human rights obligations

“The Committee is concerned about the continued increase of carbon dioxide emissions in the State party, which run the risk of worsening in the coming years, despite the State

party’s commitments as a developed country under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, as well as its nationally determined contribution under the Paris Agreement.”

– CESCR Concluding Observations on Australia (2017)⁹

Duty to cooperate internationally

“The Committee recommends that the State party continue and strengthen its cooperation with bilateral, multilateral, regional and international partners, including OHCHR, the United Nations Office for Disaster Risk Reduction, the Office of the United Nations High Commissioner for Refugees, UNICEF(...), to enhance the implementation of the Convention, especially with respect to the constraints imposed by climate change.”

– CRC Concluding Observations on Tuvalu (2013)¹⁰

Endnotes

1. See also the CEDAW COBs on Grenada (2012), Seychelles (2013), Solomon Islands (2014), Tuvalu (2015), Trinidad and Tobago (2016), Philippines (2016), Mongolia (2016), Bhutan (2016), Barbados (2017); CRC COBs on Tuvalu (2013), Saint Lucia (2014), Fiji (2014), Mauritius (2015), Kenya (2016), Samoa (2016), New Zealand (2016), Suriname (2016), Korea (2017), Tajikistan (2017), Saint Vincent and Grenada (2017)
2. See also the CEDAW COBs on Tuvalu (2009), Jamaica (2012), Cambodia (2013), Solomon Islands (2014), Peru (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Micronesia (2017), Burkina Faso (2017), Nauru (2017), Kenya (2017); CESCR COBs on Australia (2009), Canada (2016), Philippines (2016), Russia (2017), Australia (2017); CRC COBs on Seychelles (2012), Tuvalu (2013), Fiji (2014), Turkmenistan (2015), Jamaica (2015), Vanuatu (2017), Kenya (2016)
3. See also the CMW COBs on Burkina Faso (2013)
4. See also the CEDAW COBs on Seychelles (2013), Cambodia (2013), Peru (2014), Solomon Islands (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bhutan (2016), Trinidad and Tobago (2016), Iceland (2016), Vanuatu (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Philippines (2016), Burkina Faso (2017), Barbados (2017), Nauru (2017), Kenya (2017), Micronesia (2017); CRC COBs on Fiji (2014), Mauritius (2015), Kenya (2016), Saint Vincent and Grenada (2017)
5. See also the CRC COBs on Tuvalu (2013), Chile (2015), Mauritius (2015), Samoa (2016), Haiti (2016), Saint Vincent and Grenada (2017), Korea (2017), Malawi (2017)
6. See also the CESCR COBs on Australia (2009)
7. See also the CESCR COBs on Australia (2017)
8. See also the CESCR COBs on Australia (2009)
9. See also the CESCR COBs on Ukraine (2008)
10. See also the CRC COBs on Fiji (2014), Saint Vincent and Grenada (2017)

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The Global Initiative
for Economic, Social and Cultural Rights

States' Obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, in the Context of Climate Change



The Committee on the Elimination of Discrimination against Women (CEDAW) monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) adopted in 1979. The Convention has been ratified by 189 States. The Committee comprises 23 independent experts and meets three times a year in Geneva.

The CEDAW Convention's prime objective is the prohibition of all forms of discrimination against women (article 2). The States parties have the obligation to take all appropriate measures, including legislation, to ensure the full development and advancement of women in all fields, in particular in the political, social, economic, and cultural fields (article 3). These general obligations

are particularly relevant to climate policies given the disproportionate impact of climate change on women and the impact of climate policies that ignore the gender dimension. The CEDAW Convention obliges States to guarantee women the right to participate in creating and implementing government policy. In addition, the CEDAW Convention requires States to take into account the particular problems faced by rural women and to guarantee that they enjoy the right to adequate living conditions, including in relation to housing, sanitation, and water (article 14).

In its General Recommendation No. 27 on older women and protection of their human rights (2010), the CEDAW highlighted that "climate change impacts differently on women, especially older women

who, due to their physiological differences, physical ability, age and gender, as well as social norms and roles and an inequitable distribution of aid and resources relating to social hierarchies, are particularly disadvantaged in the face of natural disasters." The Committee consequently emphasized that "States parties should ensure that climate change and disaster risk-reduction measures are gender-responsive and sensitive to the needs and vulnerabilities of older women. States parties should also facilitate the participation of older women in decision-making for climate change mitigation and adaptation."

The CEDAW also addresses the impacts of climate change on the rights of rural women in its General Recommendation No. 34 (2016). The Committee stresses that "States par-

ties should address specific threats posed to rural women by climate change... They should alleviate and mitigate these threats and ensure that rural women enjoy a safe, clean and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, disaster risk reduction, preparedness and management and ensure the full participation of rural women in designing, planning and implementing such policies.”

In 2016, the CEDAW began drafting a General Recommendation on gender-related dimensions of disaster risk reduction in the context of climate change. This General Recommendation is expected to be adopted at the February 2018 session of the Committee. While the CEDAW’s main focus in the General Recommendation is on policy

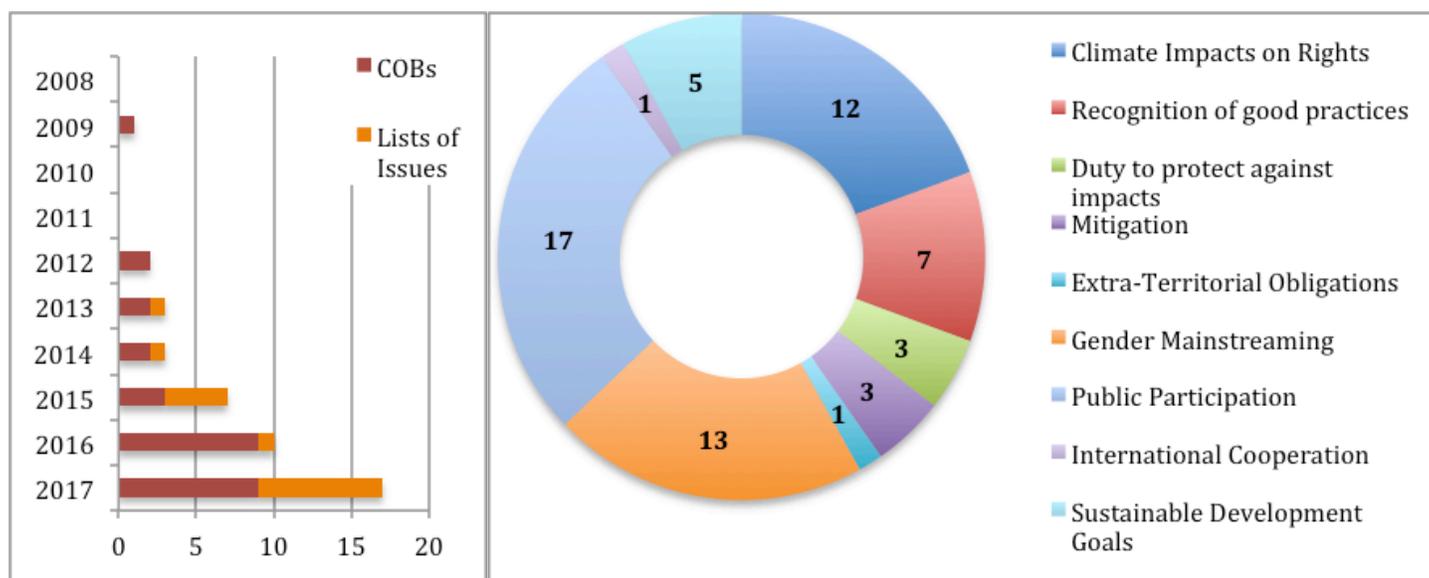
designed to address climate impacts and climate-related disasters, the draft text also stresses that “limiting fossil fuel use and greenhouse gas emissions and the harmful environmental effects of extractive industries such as mining and fracking, as well as the allocation of climate financing, are regarded as crucial steps in mitigating the negative human rights impact of climate change and disasters.” The committee further emphasizes that “any measures to mitigate and adapt to climate change should be designed and implemented in accordance with the human rights principles of participation, accountability, non-discrimination, empowerment, transparency and rule of law.”

The draft General Recommendation stresses the following three general principles of the CEDAW Convention as particularly relevant to guide climate action and disaster risk reduction: substantive equality and

non-discrimination; participation and empowerment; and accountability and access to justice. It also elaborates on the protection of the rights guaranteed under the Convention in the context of climate change, in relation to six areas of particular concern: gender-based violence; migration and forced displacement; the right to health; the right to an adequate standard of living; the right to education and information; and the right to work and social protection.

Overview of References to Climate Change in CEDAW Concluding Observations

The CEDAW has increasingly included in its Concluding Observations recommendations related to the protection of the rights of



Breakdown of references to climate change in the Concluding Observations (COBs) adopted by the CEDAW Committee, by year and by theme (some COBs include several themes)

Please note that the data provided in this synthesis note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the Committee, such as in relation to extractive industries or disaster risk reduction, may also be relevant.

women in the context of climate change. Most of these references have highlighted the concerns of the Committee in relation to the adverse impacts of climate change on the rights of women. The CEDAW has focused its recommendations most particularly on climate-induced disasters. The importance of mainstreaming gender perspectives in climate responses and ensuring the effective participation of women in decision-making and policy implementation is also stressed in the majority of these recommendations. Building on the specific obligation of States to protect the rights of rural women (article 14), in many instances the CEDAW has stressed the particular exposure of these women to climate-related risks and recommended that these risks be taken into consideration in the design of climate policies. The CEDAW has also stressed more recently that the prohibition of discrimination against women requires States to mitigate climate change effectively, given the disproportionate impacts of climate change on women.

Compilation of Concluding Observations Adopted by the CEDAW on Climate Change

This section provides a compilation of Concluding Observations adopted by the CEDAW regarding the interpretation of States' obligations under the CEDAW Convention in relation to key aspects of climate policies. We provide below examples of COBs addressing common

or important themes and list other examples of relevant COBs in the endnotes.

Disproportionate impact on women, especially rural women

“The Committee also notes with concern the differentiated gender impact of climate change and recurring natural disasters, including severe drought, landslides and earthquakes, on women.”

– CEDAW Concluding Observations on Peru (2014)

“[The Committee] is concerned that the impact of climate change, the rise in the sea level and other climate-related disasters affect rural women disproportionately, given that they rely heavily on access to natural resources for their daily survival.”

– CEDAW Concluding Observations on Vanuatu (2016)¹

Mainstreaming a gender perspective in climate-related action

“The Committee recommends that the State party: (...) (b) Ensure that the development and implementation of policies and programmes on disaster preparedness, response to natural disasters and the impacts of climate change, as well as other emergencies, are based on a comprehensive gender analysis, and mainstream the concerns of women, particularly those of rural women, in all policies and programmes.”

– CEDAW Concluding Observations on Jamaica (2012)²

Protecting the rights of persons displaced by climate change

“The Committee reiterates its previous recommendation that the State party:

(a) Develop disaster management and mitigation plans in response to potential displacement and/or statelessness arising from environmental and climate change and ensure that women, including those living on the outer islands, are included and may actively participate in planning and decision-making processes concerning their adoption.”

– CEDAW Concluding Observations on Tuvalu (2015)

Participation of women in climate-related decision making

“The Committee recommends that the State party: (...) (c) Further ensure that women are actively involved in decision-making on the policies and programmes for disaster prevention and management, especially those relating to climate change adaptation and mitigation.”

– CEDAW Concluding Observations on Cambodia (2013)

“The Committee recommends that the State party continue to strengthen the role of women in implementing the Sustainable Development Goals and the 2030 Agenda for Sustainable Development and in related climate change issues.”

– CEDAW Concluding Observations on Iceland (2016)

“The Committee recommends that the State party ensure the participation of women in the preparation, adoption and implementation of national policies and programmes on climate change, disaster response and risk reduction and include an explicit gender perspective in such policies. It also recommends that the State party establish mechanisms at the local, state and national levels to assess the impact of environmental policies on women.”

– CEDAW Concluding Observations on Micronesia (2017)³

Guaranteeing climate education, empowerment, and employment

“The Committee recommends that the State party: (...) (b) Explore investment and employment opportunities for women through investments in renewable energy while combating the adverse effects of climate change in the context of its efforts to implement Sustainable Development Goals 5, 7 and 13.”

– CEDAW Concluding Observations on Nigeria (2017)

Relationship between human rights, climate change, and Agenda 2030

“The Committee recalls the importance of the goal 5.1.1 and commends the positive efforts of the State party to implement sustainable development policies, including measures to address climate change.”

– CEDAW Concluding Observations on Oman (2017)⁴



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Request for additional information in future reporting

“The Committee recommends that the State party provide, in its next periodic report, information on: (a) The participation of women in the development and implementation of the plan; (b) Best practices in adaptation and mitigation measures identified from a gender perspective.”

– CEDAW Concluding Observations on Oman (2017)

Reduction of greenhouse gas emissions, including those resulting from fossil fuel extraction

“The Committee commends the State Party for its International Cooperation Programmes, however, it is concerned that continuing and expanding extraction of oil and gas in the Arctic by the State party and its inevitable greenhouse gas emissions undermines its obligations to ensure women’s substantive equality with men, as climate change disproportionately impacts women, especially

in situations of poverty, since they are more reliant on natural resources for their livelihoods than men and have lesser capacity to deal with natural hazards.

“The Committee recommends that the State party review its climate change and energy policies, and specifically its policy on extraction of oil and gas, to ensure it takes into account the disproportionate negative impacts of climate change on women’s rights.”

– CEDAW Concluding Observations on Norway (2017)

Endnotes

1. See also the CEDAW COBs on Tuvalu (2009), Jamaica (2012), Cambodia (2013), Solomon Islands (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Micronesia (2017), Burkina Faso (2017), Nauru (2017), Kenya (2017)
2. See also the CEDAW COBs on Grenada (2012), Seychelles (2013), Solomon Islands (2014), Tuvalu (2015), Trinidad and Tobago (2016), Philippines (2016), Mongolia (2016), Bhutan (2016), Barbados (2017)
3. See also the CEDAW COBs on Seychelles (2013), Peru (2014), Solomon Islands (2014), Tuvalu (2015), Maldives (2015), Mongolia (2016), Bhutan (2016), Trinidad and Tobago (2016), Vanuatu (2016), Bangladesh (2016), Argentina (2016), Honduras (2016), Philippines (2016), Burkina Faso (2017), Barbados (2017), Nauru (2017), Kenya (2017)
4. See also the CEDAW COBs on South Korea (2017), Norway (2017), Kenya (2017)



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States' Obligations under the Covenant on Economic, Social and Cultural Rights, in the Context of Climate Change



The Committee on Economic, Social and Cultural Rights (CESCR) monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted in 1966. The Covenant has been ratified by 166 States. The Committee comprises 18 independent experts and meets two to three times a year in Geneva.

The ICESCR requires States to take steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to progressively achieving the full realization of economic, social, and cultural rights by all appropriate means (article 2). The ICESCR defines several substantive rights that might be particularly threatened in the context of climate change, including the

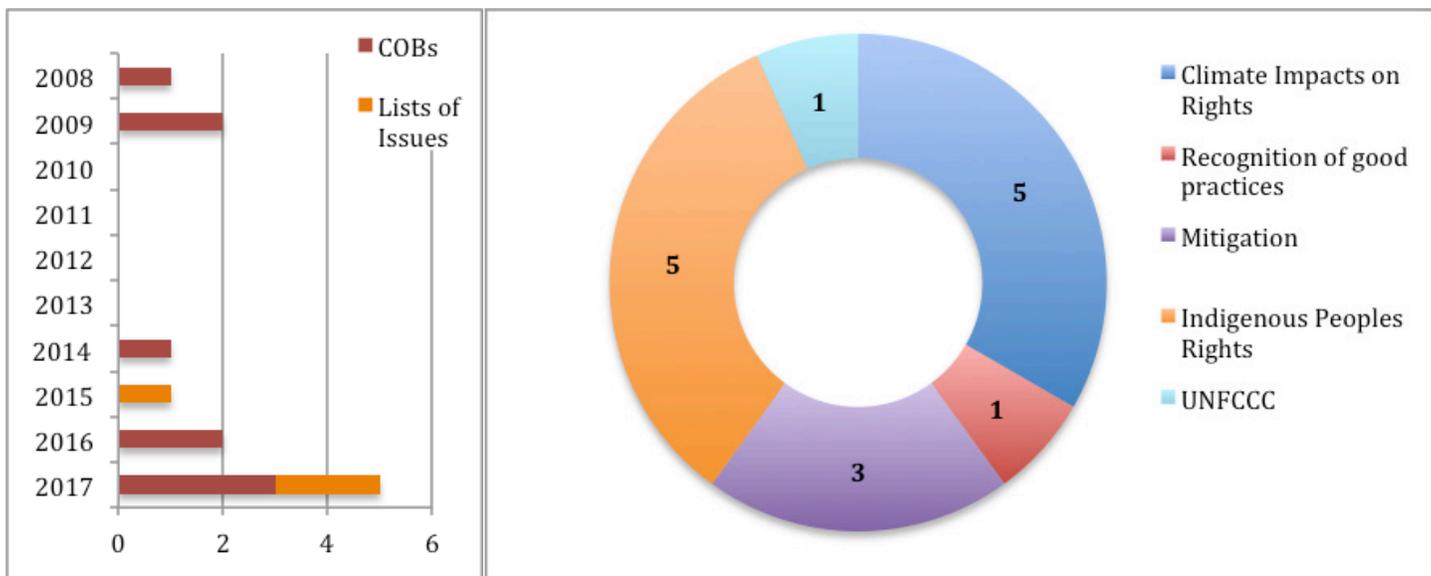
right not to be deprived of one's own means of subsistence (article 1), to an adequate standard of living, including food and adequate housing (article 11), to water (articles 11 and 12), and to the enjoyment of the highest attainable standard of physical and mental health (article 12).

In its General Comment No. 15 (2002) on the right to water, the CESCR describes the nature of States' obligations with respect to the right to water, in the context of climate change. The Committee highlights the need for States to adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations, including through the assessment of climate impacts on water availability and natural-ecosystems watersheds.

Overview of References to Climate Change in CESCR Concluding Observations

Over the past ten years, the CESCR has mentioned climate change in nine Concluding Observations and three Lists of Issues, with an increase in the frequency of these references over time.

The majority of these Concluding Observations have noted that ongoing climate impacts are a threat to the realization of the rights protected by the Covenant. The impacts of climate change on the rights of indigenous peoples are also addressed in the majority of these Concluding Observations. Additionally, the CE-



Breakdown of references to climate change in the Concluding Observations (COBs) adopted by the CESCR Committee, by year and by theme (some COBs include several themes)

Please note that the data provided in this synthesis note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the Committee, such as in relation to extractive industries or disaster risk reduction, may also be relevant.

SCR has highlighted several times the necessity for parties to the ICESCR to take adequate action to reduce emissions of greenhouse gases and to consider the adverse impacts of fossil fuel extraction on human rights.

Recent references to climate change also suggest an interest of the Committee in considering the compatibility of shale-gas fracking and the adequacy of climate finance in the context of ICESCR obligations.

Compilation of Concluding Observations Adopted by the CESCR on Climate Change

This section provides a compilation of Concluding Observations ad-

opted by the CESCR regarding the interpretation of States’ obligations under the ICESCR in relation to key aspects of climate policies. We provide below examples of COBs addressing common or important themes and list other examples of relevant COBs in the endnotes.

Disproportionate impacts on groups in vulnerable situations, including indigenous peoples

“[The Committee] is particularly concerned that the livelihood of small-scale fishers has been under threat owing to declining fish stocks in coastal areas as a result of climate change.”

– CESCR Concluding Observations on the Philippines (2016)

“In the light of its previous recommendation and currently available

information, the Committee urges the party to: (...) (d) adopt the appropriate measures to address the adverse effect of climate change on the Saami people’s land and resources.”

– CESCR Concluding Observations on Finland (2014)¹

Reduction of greenhouse gas emissions

“[The Committee] also recommends that the State party increase its efforts to reduce greenhouse gas emissions and set national targets with time-bound benchmarks.”

– CESCR Concluding Observations on Russia (2017)²

Renewable energy

“The Committee recommends that the State party address the impact of climate change on indigenous peoples more effectively while fully en-

gaging indigenous peoples in related policy and programme design and implementation. The Committee also recommends that the State party ensure that the use of non-conventional fossil energies is preceded by consultation with affected communities and impact assessment processes. It also recommends that the State party pursue alternative and renewable energy production.”

– CESCR Concluding Observations on Canada (2016)

Reduction of emissions resulting from fossil fuels extraction

“The Committee recommends that the State party revise its climate change and energy policies, as indicated during the dialogue. It recommends that the State party take immediate measures aimed at reversing the current trend of increasing absolute emissions of greenhouse gases, and pursue alternative and renewable energy production. The Committee also encourages the State party



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to review its position in support of coal mines and coal exports.”

– CESCR Concluding Observations on Australia (2017)

Relevance of the UNFCCC agreements to human rights obligations

“The Committee is concerned about the continued increase of carbon dioxide emissions in the State party, which run the risk of worsening in

the coming years, despite the State party’s commitments as a developed country under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, as well as its nationally determined contribution under the Paris Agreement.”

– CESCR Concluding Observations on Australia (2017)³

Endnotes

1. See also the CESCR COBs on Australia (2009), Canada (2016), Russia (2017), Australia (2017)
2. See also the CESCR COBs on Australia (2009), Australia (2017)
3. See also the CESCR COBs on Ukraine (2008)



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States' Obligations under the Convention on the Rights of the Child, in the Context of Climate Change



The Committee on the Rights of the Child (CRC) monitors the implementation of the Convention on the Rights of the Child (CRC Convention) adopted in 1989. The Convention has been ratified by 196 States. The Committee comprises 18 independent experts and meets three times a year in Geneva.

The CRC Convention prohibits discrimination against children and obliges States to give primary consideration to the best interests of the child. The CRC Convention also protects many rights that implicitly relate to environmental and climate protection, including the rights to life (article 6), to be heard (article 12), to recreational activities and cultural life (article 31), to an adequate standard of living (article 37), to food, water and sanitation, and housing (articles 24 and 27),

and to education (article 28). Two provisions of the CRC Convention explicitly require States to take into consideration environmental matters when protecting the rights of children: article 24(2), which obliges States to pursue full implementation of the right of children to the highest attainable standard of health, “taking into consideration the dangers and risks of environmental pollution,” and article 29(1), which stresses that the right to education must include “the development of respect for the natural environment” (article 29(1)).

Through two of its General Comments, the CRC has elaborated on the scope of some of these obligations in the context of climate change. In its General Comment No. 15 on the right of the child to the enjoyment of the highest attain-

able standard of health (2013), the Committee emphasized that “environmental interventions should, inter alia, address climate change, as this is one of the biggest threats to children’s health and exacerbates health disparities. States should, therefore, put children’s health concerns at the centre of their climate change adaptation and mitigation strategies.” The CRC also addressed the importance of education on matters related to climate change, stressing in its General Comment No. 20 on the implementation of the rights of the child during adolescence (2016) the need for suitable education and support to tackle local and global challenges, including climate change and environmental degradation.

The rights of the child in the context of climate change were also

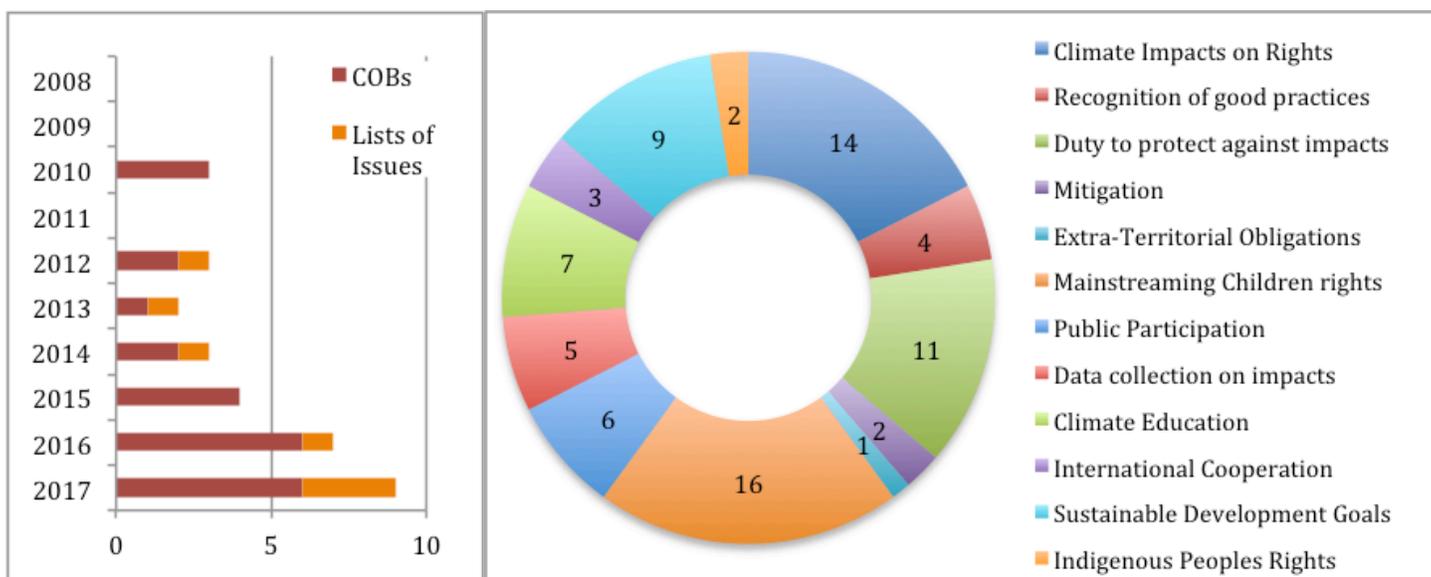
discussed during the CRC's Day of General Discussion on the issue of Children's Rights and the Environment in 2016. As a result of this event, the CRC endorsed a series of recommendations, many of which relate to climate change. The CRC highlighted that States should "consider the best interests of the child as a matter of primary consideration when designing, implementing and monitoring relevant environmental laws and policies related to climate change" and that they "should understand their obligations to respect and protect children's rights against global climate change." The Committee further stressed that "such protection requires urgent and aggressive reductions in greenhouse gases, guided by the best available science." The Committee also emphasized the linkages between article 29(1)(e) of the CRC Convention on the right to education and article 6 of the UNFCCC/article 12 of the

Paris Agreement (Action for Climate Empowerment) and recommended that States "develop innovative mechanisms to allow children to be recognised as stakeholders with a right to be heard in decision making in the UNFCCC...and to be involved in the design and delivery of projects related to climate change adaptation and mitigation, disaster risk reduction." The Committee finally committed to "consistently link Concluding Observations on environmental issues to the SDGs and States' commitments under the UNFCCC" and to "clarify the extent of States' obligations relating to climate change and children's rights, including with regard to mitigation, adaptation, and the rights of children displaced as a result of climate change, taking into account the explicit reference to children's rights and intergenerational equity in the Paris Climate Agreement."

Overview of References to Climate Change in CRC Concluding Observations

The CRC has increasingly addressed climate change during its State reporting procedure, primarily in its Concluding Observations. The CRC addressed climate-related issues in 24 of the Concluding Observations that it adopted over the past ten years.

The Concluding Observations have addressed a broad range of issues. The importance of considering how the rights of the child are protected by climate policies and the threat posed by climate change to these rights have been referenced in the majority of these Concluding Observations addressing climate change. The Committee has also highlighted



Breakdown of references to climate change in the Concluding Observations (COBs) adopted by the CRC Committee, by year and by theme (some COBs include several themes)

Please note that the data provided in this Synthesis Note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the Committee, such as in relation to extractive industries or disaster risk reduction, may also be relevant.

the need for the State to prevent the adverse impacts of climate change on children and has stressed repeatedly the importance of educating children on climate issues and of ensuring the participation of children in decisions that might impact them. The CRC has also underlined the relevance of the Sustainable Development Goals in relation to climate impacts on children.

To date, the Committee has not considered the extent to which the obligations contained in the CRC Convention require States to prevent adverse impacts on children's rights by reducing emissions of greenhouse gases.

Given the focus of most of these recommendations on climate impacts, the recommendations adopted by the CRC in relation to climate change so far have been addressed primarily to countries most vulnerable to climate change impacts, which tend to be developing countries.

Compilation of Concluding Observations Adopted by the CRC on Climate Change

This section provides a compilation of Concluding Observations adopted by the CRC regarding the interpretation of States' obligations under the CRC Convention in relation to key aspects of climate policies. We provide below examples of COBs addressing common or important themes and list other examples of relevant COBs in the endnotes.

Disproportionate impacts on children's rights

"The Committee recognizes the difficulties facing the State party, including the continuing threat of climate change, which can affect the survival of the country, and the severe shortage of human and financial resources. These can have a significant and adverse impact on the development and implementation of legislation, policies and programmes for children in the State party. However, the Committee also reminds the State party that these difficulties should not be regarded as a deterrent to the full implementation of the Convention."

– CRC Concluding Observations on Tuvalu (2013)

"While noting as positive that the State party has introduced a National Climate Change Policy and Adaptation Plan, the Committee is concerned at the adverse impact of climate change and natural disasters on the rights of the child, including the rights to education, health, adequate housing, safe and drinkable water and sanitation, inter alia."

– CRC Concluding Observations on Saint Lucia (2014)¹

"The Committee is concerned about the harmful impact of climate change on children's health, especially for Maori and Pasifika children and children living in low-income settings."

– CRC Concluding Observations on New Zealand (2016)²

Integrating children's rights into climate action

"The Committee recommends that the State party develop strategies to reduce the vulnerabilities of and risks for children and families which may be occasioned or exacerbated by climate change, including by mainstreaming child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management, and by strengthening its social safety nets and social protection framework so as to mitigate the multiple social, economic and environmental impacts of climate change more effectively."

– CRC Concluding Observations on Jamaica (2015)

"The Committee recommends that the State party develop strategies, including awareness-raising, to reduce the vulnerabilities and risks for children owing to climate change, in particular children in situations of poverty, including Amerindian and Maroon communities. The Committee also recommends that the State party mainstream child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management and strengthen its social safety nets and social protection framework so as to more effectively mitigate the multiple social, economic and environmental impacts of climate change."

– CRC Concluding Observations on Suriname (2016)

“The Committee recommends that the State party, including the devolved administrations in relation to devolved matters: (b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, and in the framework of its international climate change programmes and financial support.”

– CRC Concluding Observations on the United Kingdom (2016)

Collection of disaggregated data

“The Committee is seriously concerned about the unavailability of data disaggregated by age, gender and location related to (...) impact of climate change and disasters on children.”

– CRC Concluding Observations on Korea (2017)³

Participation of children in climate-related decision making

“The affected populations, mainly women and children, were not informed or given opportunities to participate in discussions on the impacts of climate change and policy-making related to them.”

– CRC Concluding Observations on Tuvalu (2013)⁴

Guaranteeing climate education and empowerment

“The Committee draws attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change related planning and management. In particular, it recommends that the State party:

(a) Implement the National Reviewed Curriculum in the next school year and include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems.”

– CRC Concluding Observations on Vanuatu (2017)⁵

Relationship between human rights, climate change, and Agenda 2030

“The Committee draws the attention of the State party to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.”

– CRC Concluding Observations on Samoa (2016)⁶



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Reduction of greenhouse gas emissions

“The Committee draws attention to Sustainable Development Goal 13, target 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management. In particular, it recommends that the State party: b) discontinue deforestation to reduce the impact of the climate change consequences.”

– CRC Concluding Observations on Haiti (2016)

“The Committee is concerned at the high level of air pollution, which directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.”

– CRC Concluding Observations on the United Kingdom (2016)

Duty to cooperate internationally

“The Committee recommends that the State party: (c) Seek bilateral, multilateral, regional and international cooperation in the areas of di-

saster risk reduction, mitigation and adaptation to the effects of climate change.”

– CRC Concluding Observations on Saint Vincent and Grenada (2017)

“The State party is encouraged to seek the necessary technical and financial assistance from relevant international, regional and bilateral partners to enable the progressive and full implementation of the Convention.”

– CRC Concluding Observations on Tuvalu (2013)⁷

Endnotes

1. See also the CRC COBs on Seychelles (2012), Fiji (2014), Turkmenistan (2015), Jamaica (2015), Vanuatu (2017), Kenya (2016)
2. See also the CRC COBs on Tuvalu (2013), Saint Lucia (2014), Fiji (2014), Mauritius (2015), Kenya (2016), Samoa (2016), Korea (2017), Tajikistan (2017), Saint Vincent and Grenada (2017)
3. See also the CRC COBs on Mauritius (2015)
4. See also the CRC COBs on Fiji (2014), Mauritius (2015), Kenya (2016), Saint Vincent and Grenada (2017)
5. See also the CRC COBs on Tuvalu (2013), Chile (2015), Mauritius (2015), Samoa (2016), Haiti (2016), Saint Vincent and Grenada (2017), Korea (2017), Malawi (2017)
6. See also the CRC COBs on New Zealand (2016), Haiti (2016), United Kingdom (2016), Korea (2017), Tajikistan (2017), Vanuatu (2017), Malawi (2017), Saint Vincent and Grenada (2017), Serbia (2017)
7. See also the CRC COBs on Fiji (2014)



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